

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

HARRISON JACK HAVENS, JR., #15457-055 §

VS. §

UNITED STATES OF AMERICA §

CIVIL ACTION NO. 6:10cv115
CRIM. NO. 6:07CR36(01)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Second Report and Recommendation concluding that Havens' motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 should be denied. The Government filed a response correctly noting a clerical error. Otherwise the Government had no objections. Havens has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Havens to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Havens are without merit. Therefore, apart from the clerical error noted by the Government, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that Havens' motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the cause of action is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 14th day of March, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE